

Chapter: 100

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TABLE OF CONTENTS

CHAPTER Puc 100 ORGANIZATIONAL RULES

PART Puc 101 PURPOSE STATEMENT

Section Puc 101.01 Purpose Statement

PART Puc 102 DEFINITIONS

Section Puc 102.01 Adjudicative Proceeding
Section Puc 102.02 Applicant
Section Puc 102.03 Application
Section Puc 102.04 Commission
Section Puc 102.05 Commissioners
Section Puc 102.06 Complainant
Section Puc 102.07 Complaint
Section Puc 102.08 Contested Case
Section Puc 102.09 Defendant
Section Puc 102.10 Document
Section Puc 102.11 Hearing
Section Puc 102.12 Issue Date
Section Puc 102.13 Motion
Section Puc 102.14 Nonadjudicative Processes
Section Puc 102.15 Order
Section Puc 102.16 Person
Section Puc 102.17 Petition
Section Puc 102.18 Petitioner
Section Puc 102.19 Respondent

PART Puc 103 DESCRIPTION OF THE AGENCY

Puc 103.01 Commission Functions
Puc 103.02 Rulemaking Authority

PART Puc 104 REQUESTS FOR INFORMATION

Puc 104.01 Public Access to Information

CHAPTER Puc 100 ORGANIZATIONAL RULES

REVISION NOTE:

Document #6470, effective 3-18-97, made changes to the wording, format, and numbering of rules in Chapter Puc 100. Former Part Puc 101 governing definitions has been amended and renumbered as Part Puc 102. Former Part Puc 102 governing the description of the agency has been amended and renumbered as Part Puc 103. Part Puc 101 and Part Puc 104 are new rules adopted by Document #6470.

Document #6470 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Puc 100 include the following documents:

#2011, eff 5-4-82
#2173, eff 11-11-82
#2912, eff 11-26-84
#4997, eff 11-26-90
#6365, INTERIM, eff 11-18-96

PART Puc 101 PURPOSE STATEMENT

Puc 101.01 Purpose Statement. The primary purpose of the commission is to act as the arbiter between the interests of the customer and the interests of the regulated utility.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

PART Puc 102 DEFINITIONS

Puc 102.01 "Adjudicative proceeding" means the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36 and the rules of the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.02 "Applicant" means any person on whose behalf an application is filed with the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.03 "Application" means a submission filed with the commission for the purpose of seeking the approval, determination, consent, certification or authorization of the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.04 "Commission" means the public utilities commission of the state of New Hampshire, its commissioners and employees.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.05 "Commissioners" means the public utilities commissioners

appointed under RSA 363.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.06 "Complainant" means any person on whose behalf a complaint is filed with the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.07 "Complaint" means a pleading filed with the commission which complains of anything done or omitted to be done in violation of any law, rule, regulation, or order administered or promulgated by the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.08 "Contested case" means a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by the commission after an opportunity for hearing.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.09 "Defendant" means any person subject to the laws, rules, regulations and orders administered by the commission against whom any complaint is filed.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.10 "Document" means any paper or electronic record relating to a proceeding, including but not limited to any application, complaint, petition, motion, prepared testimony, data request, data response, exhibit, brief, written communication or correspondence.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.11 "Hearing" means the opportunity for any party, intervenor or interested person to present such written and/or oral testimony or comment, in accordance with commission rules.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.12 "Issue date" means the date of an order or other material issued by the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.13 "Motion" means a request to the commission to take any action or to enter any order after the initial pleading or after commencement of an investigation by the commission, or an order issued by the commission opening an adjudicative proceeding, or nonadjudicative process pursuant to RSA 365:5.

Source. (See Revision Note at chapter

heading for Puc 100) #6470, eff 3-18-97

Puc 102.14 "Nonadjudicative processes" means all commission procedures and actions preceding the commencement of an adjudicative proceeding.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.15 "Order" means the whole or part of the commission's final disposition of a matter, other than a rule, but does not include a commission decision to initiate, postpone, investigate or process any matter, or to issue a complaint or citation.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.16 "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character which appears before the commission for any purpose.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.17 "Petition" means a pleading other than an application filed with the commission for the purpose of seeking the approval, determination, consent, certification or authorization of the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.18 "Petitioner" means any person on whose behalf a petition is filed with the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 102.19 "Respondent" means any party subject to the jurisdiction of the commission to whom the commission issues notice instituting a proceeding or investigation or inquiry of the commission; any party in interest or person ordered before any pending proceeding of the commission.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

PART Puc 103 DESCRIPTION OF THE AGENCY

Puc 103.01 Commission Functions.

(a) The commission is an administrative agency created by the legislature in 1911 to regulate utilities. As an administrative agency, the commission has executive, legislative and quasi-judicial functions.

(b) The commission performs an administrative or executive function, for example, when it investigates service and safety standards.

(c) The commission performs a quasi-judicial function when, for example, it holds hearings, examines evidence and makes decisions.

(d) The commission performs a legislative function when, for example, it prescribes the rules of conduct for a company and itself, such as the handling

of confidential information.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

Puc 103.02 Rulemaking Authority. The following is a list of certain statutes which grant the commission substantive and/or rulemaking authority and a summary of what the statute provides:

(a) Pursuant to RSA 162-H:10, VI the site evaluation committee and the commission shall jointly issue such rules and regulations as may be necessary to carry out the provisions of RSA 162:H;

(b) Pursuant to RSA 162-H:17, I the commission shall establish guidelines regarding plans for bulk power supplies;

(c) Pursuant to RSA 362-A:4 the commission shall from time to time set rates per kilowatt hour of limited electrical energy producers;

(d) Pursuant to RSA 362-D:5, the commission shall adopt rules, in consultation with the commissioners of the departments of safety and agriculture, pertaining to the development or utilization of electric or natural gas vehicles;

(e) Pursuant to RSA 363-A:2 the commission shall establish reasonable classifications of public utilities and assess proportionate share of commission expenses to utilities;

(f) Pursuant to RSA 365:8 the commission shall adopt rules, pursuant to RSA 541-A, relative to:

(1) The conduct of its hearings, including alternative processes in hearings and other forms of alternative dispute resolution;

(2) Standards and procedures for streamlined review or other alternative processes to enhance the efficiency of the commission and respond to the needs of the utility's ratepayers and shareholders;

(3) Standards and procedures for the creation, monitoring and evaluation of alternative forms of regulation;

(4) Standards and procedures for the handling of confidential information, in accordance with RSA 91-A;

(5) Standards and procedures for filing requirements for tariffs, engineering, accounting, and other commission matters;

(6) Standards and procedures for franchise terms and conditions, including extended area telephone service;

(7) Standards and procedures for safe and reliable utility service and termination of service subject to RSA 363-B;

(8) Standards and procedures for matters related to the proper administration of RSA 366 relative to utility relations with affiliates;

(9) Standards and procedures relative to a reasonable amount of the short-term notes, bonds or other evidences of indebtedness based upon the amount of the utility's respective plant investment which each

utility shall not exceed without first obtaining the approval of the commission pursuant to RSA 369:7;

(10) Standards and procedures for determination and recovery of rate case expenses;

(11) Standards and procedures for the conduct of investigations authorized under this title; and

(12) Procedures necessary to provide for the proper administration of and to further the purposes of this title;

(g) Pursuant to RSA 370:2 the commission may ascertain, determine and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the performance of its service or to the furnishing of its product or commodity, by any public utility, and prescribe reasonable rules for examination and testing of such service, product or commodity, and for the measurement thereof;

(h) Pursuant to RSA 370:3 the commission may fix reasonable rules, specifications and standards to secure the accuracy of all meters and appliances for measurement;

(i) Pursuant to RSA 370:7 and 9 any consumer may have any appliance, such as a meter, used for the measuring of any service, product or commodity of a public utility, tested by the commission, and the commission may establish requirements regarding payment of fees for testing;

(j) Pursuant to RSA 374:8 the commission may establish a system of accounts and records to be used by public utilities, may classify them and may prescribe the manner in which said accounts shall be kept;

(k) Pursuant to RSA 374:10 every public utility shall conform its depreciation account to such rules and forms as the commission may prescribe;

(l) Pursuant to RSA 374:14 the commission may specify operating, accounting or financial accounts, records, memoranda, books or papers of public utilities which may, after a reasonable time, be destroyed, and may prescribe the length of time the same shall be preserved;

(m) Pursuant to RSA 374:22-g the commission shall promulgate rules relative to authorizing the providing of telecommunication services, including local exchange services, by more than one provider, in certain service territories;

(n) Pursuant to RSA 374:39 the commission shall promulgate rules as to the form and filing of utility personal injury accident reports;

(o) Pursuant to RSA 374:50 the commission shall adopt rules to govern the underground utility damage prevention system;

(p) Pursuant to RSA 378:1 the commission shall adopt rules establishing procedures regarding the filing and public inspection of schedules showing rates, fares, charges and prices for services rendered by public utilities;

(q) Pursuant to RSA 378:32, III, the commission may determine the rates, fares and charges to be used by utilities engaged in joint services and may adopt rules relative to rates, fares, charges and classifications; and

(r) Pursuant to RSA 378:33 the commission may adopt rules relative to the

division of joint rates, fares, charges, and classifications between telephone utilities engaging in joint services whenever the divisions shall not be made by agreement.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97

PART Puc 104 REQUESTS FOR INFORMATION

Puc 104.01 Public Access to Information.

(a) To the extent required or permitted by RSA 91-A, the commission shall permit members of the public to examine and copy the public record.

(b) The commission shall permit examination and copying of the public record, as follows:

- (1) On the commission premises;
- (2) During commission business hours; and
- (3) Within the time-frames set forth in Puc 204.05.

(c) Any person may direct a request for information in writing to the commission.

(d) Any person who seeks to examine or copy the public record shall:

- (1) Provide the name(s) of the proceeding(s) in which the information requested is contained; and
- (2) Describe the information requested sufficiently in detail to allow the commission to identify the information requested.

(e) This section shall not require the release by the commission of information determined, pursuant to RSA 91-A:5,VI or Puc 204, to be:

- (1) Confidential; or
- (2) Not part of the public record.

(f) The commission shall charge for copies of the contents of any part of the public record at the actual cost of providing the copy, pursuant to RSA 91-A:4,IV.

Source. (See Revision Note at chapter heading for Puc 100) #6470, eff 3-18-97